

March 29, 2024

VIA ECF

Hon. Paul A. Engelmayer
United States District Court
Southern District of New York
40 Foley Square, Room 2201
New York, NY 10007

Re: Justin Samuels v. Barnard


Docket No.: 1:23-cv-06181 (PAE) (SLC)
Our File No.: 22643-00057

On March 1, 2024, Defendant filed a motion to dismiss the Second Amended Complaint. (ECF No. 36 (the "MTD")). On March 3, 2024, pro se Plaintiff Justin Samuels ("Mr. Samuels") filed an opposition to the MTD. (ECF No. 40). On March 26, 2024, Mr. Samuels filed a two-page supplemental brief. (ECF No. 41 (the "Supp. Brief")). Defendant, whose reply deadline is April 12, 2024 (ECF No. 39), requests that the Court disregard the Supp. Brief on the grounds that, inter alia, Mr. Samuels' filing "burdens both the Court and defendant" (ECF No. 43 (the "Request")).

The Request is DENIED. Due to Mr. Samuels' pro se status, the Court exercises its discretion in considering the Supp. Brief. The Court does not perceive any significant burden to the Court or prejudice to Defendant in considering the Supp. Brief. Defendant, who unlike Mr. Samuels is represented by counsel, is fully able to respond to Mr. Samuels' two filings on reply. No further filings outside of the briefing schedule ordered by the Court (ECF No. 39) will be permitted absent express leave of the Court.

The Clerk of Court is respectfully directed to close ECF No. 43.

SO ORDERED. 4/1/2024


SARAH L. CAVE
United States Magistrate Judge

Dear Hon. Engelmayer,

We represent defendant Barnard College in the referenced matter. We are writing to respectfully request, pursuant to Your Honor's Individual Rules, that this court reject plaintiff's "supplemental brief" to his opposition to defendant's motion to dismiss (Dkt. No. 41), filed on March 26, 2024. The reason for this request is twofold: plaintiff's submission of a supplemental brief disregards the Court's directives regarding the set briefing schedule, and burdens both the Court and defendant with unnecessary filings; and plaintiff neither sought leave of the Court nor defendant's consent to file a second brief and should not be rewarded for his non-compliance.

On March 1, the Court ordered plaintiff to file an opposition to the motion to dismiss by March 29, and for defendant to file a reply by April 12. Plaintiff already filed his opposition to the motion to dismiss on March 3 (Dkt. No. 40), and then filed his supplemental brief on March 26. Plaintiff had considerable time to file an all-encompassing response to defendant's motion to dismiss but chose not to utilize the generous time given to him, and to instead submit his opposition just two days after deadlines were set. Moreover, plaintiff's supplemental brief offers no new information that could not have been included in his initial opposition. Thus, plaintiff's supplemental filing should be disregarded by this court.

We appreciate your consideration of this request. Thank you for your attention to this matter.